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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,792

12/08/2003

Sijmen Sipma

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07/25/2007

QUARLES & BRADY LLP

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MILWAUKEE, WI 53202-4497

EXAMINER

ALEXANDER, REGINALD

ART UNIT

PAPER NUMBER

1761

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,792

Applicant(s)

SIPMA ET AL.

Examiner

Reginald L. Alexander

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensgen in view of Yowell.

There is disclosed in Hensgen a cheese vat and cutting frame arrangement for preparing curd, the cutting frame comprising: a frame 11, 12 having opposite frame parts; wire sections 15 extending between the frame parts.

Yowell discloses the use of wire sections 26 attached to opposite sides of an agitating frame member, the frame being provided with openings 24 for receiving the ends of the wire, and pull relief means 34 are provided to fastened the ends to the frame.

In the absence of a designated means for securing the wire ends to the frame in Hensgen, it would have been obvious to one skilled in the art to provide the device of Hensgen with the openings and pull relief means taught in Yowell, in order to secure the wire sections to the frame.

In regards to the use of welding to secure the ends of the wire, such amounts to no more than a method of manufacture of the device and is provided no patentable

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weight. It would have been obvious to one skilled in the art to experiment with different fastening methods.

Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensgen in view of Bleick.

Bleick discloses a pull relief element 418, 714 having an opening therein for receiving an end of a wire element, the pull relief element being mounted on a frame.

It would have been obvious to one skilled in the art to provide the device of Hensgen with the pull relief element taught in Bleick, in order to secure the wire sections to the frame.

Claims 1, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensgen in view of Baril.

Baril discloses a pull relief element (rod) 44, 49 which is attached to a frame 16, wherein a wire element end has been wrapped over at least a part of the rod.

It would have been obvious to one skilled in the art to provide the device of Hensgen with the pull relief element taught in Baril, in order to secure the wire sections to the frame.

Allowable Subject Matter

Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant argues that the prior art fails to disclose or suggest fastening the ends of a wire to a frame via a pull relief means. Applicant confirms that Yowell discloses fastening (securing) the ends of wires to a frame using set screws. But, applicant believes that the set screws of Yowell fail to provide pull relief. Absent any specific structural arrangements in the claims, it is the opinion of the examiner that the set screws of Yowell met the structural limitations of the claim. The claim merely recites "pull relief means", it is apparent that the use of set screws can relieve the stress on the wires and frame by adjustment thereof. Applicant makes a similar argument involving the Bleick reference. Applicant goes on to explain how the claimed pull relief means provides the relief function by passing the cutting wire through a sharp transition between the last cutting section and the site where the end of the cutting wire is fastened, etc. The stated function includes a structural arrangement not mentioned in the claims. The claims, again, merely recited a pull relief means with no structure to define over that shown in the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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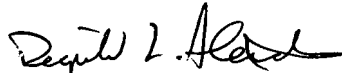
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rla
21 July 2007


Reginald L. Alexander
Primary Examiner
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